



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2302979  
**Applicant Name:** Colin Walker, Architect for Gprojects LLC  
**Address of Proposal:** 1106 East Howell Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of three, three-unit ground related housing units over a common garage.

The following approvals are required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**Design Review** - Chapter 23.41, (SMC) including departures from development standards.  
Lot coverage  
Structure depth  
Modulation  
Setbacks from Property lines  
Landscape screening  
Open Space

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction

## **BACKGROUND INFORMATION:**

The site is located at 1106 East Howell on the corner of the intersection of 11<sup>th</sup> Avenue and East Howell Street. There is no alley in the block. The site is across 11<sup>th</sup> Avenue from the Bobby Morris Park. The site is approximately 60' by 130'. Currently there is one tri-plex house, one 4-unit building and one garage. The site slopes gradually to the west with about an 8 foot grade change. The property is in a Lowrise 3 (L3) zone and borders a Neighborhood Commercial zone (NC3-40) within the Capitol Hill Urban Center Village.

## **AREA DEVELOPMENT**

To the north is a two story elderly healthcare and assisted living facility, the Jacobsen House. To the east is the Shurgard Storage access road and a four-story mixed use condominium building. Across East Howell to the south is the German United Church of Christ.

## **ANALYSIS - DESIGN REVIEW**

This project is subject to the City of Seattle design review program. The designers received early design guidance at a design review meeting July 2, 2003.



## **Architect's Presentation**

The architect presented a site analysis, opportunities and constraints of the subject property and views of surrounding development. He described current street conditions and limitations. He presented several drawings and massing models showing the building envelope allowed by the Land Use Code and the programmatic goals of the developer. The Board made several observations and invited the architect to show preliminary sketches of building massing, parking and access proposals. The architect presented several alternative character studies and a picture board of other projects their firm had designed. The architect used a massing model to convey the site and conceptual structure massing as an effective discussion tool. The architect quoted a description of the courtyard bungalow housing tradition of the early 20<sup>th</sup> century. He suggested that this regional interpretation blended density and garden courtyards and was designed to fit comfortably into the scheme of this architecturally eclectic neighborhood. The concept emphasizes small scale structures and modern living. Three housing types are being explored to meet needs of older and younger residents, single and small family housing preferences. Ten (10) units are allowed by the zoning code, nine (9) units are proposed.

## **Board Clarifying Comments**

The Board asked a few questions of the architect on access location, open space, parking, and setback.

## Public Comments

Seven (7) members of the public were present at the meeting. Public comments regarding this initial analysis included requests that the architect consider retaining the large Tulip tree (*Liriodendron tulipifera*) near the corner. One comment noted that the broken up massing concept was a positive aspect, but the overall effect seemed to crowd the site and create too much bulk. Another positive aspect is the minimum number of curb cuts and the underground parking. The architect needs to study the Capitol Hill Urban Center Village Neighborhood Plan to discover any design issues that may apply to this site.

## **PRIORITIES:**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of highest priority to this project.

### **A Site Planning**

#### ***A-1 Responding to Site Characteristics***

***The siting of building should respond to specific site conditions and opportunities.***

The designer should present different volumes on the sloping site. The sloping topography needs to be better expressed by using a variety of housing volumes and configuration.

#### ***A-4 Human Activity***

***New development should be sited and designed to encourage human activity on the street.***

The designer should consider the corner area as a special place for the property tenants. The architect should explore open space options (landscape, architectural expressions) at the southwest corner to make it a good activity area, passive or active.

#### ***A-6 Transition Between Residence and Street***

***For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.***

The architect should study and show at the next meeting how the project meets both circulation and security needs of the residents.

#### ***A-7 Residential Open Space***

***Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.***

The Board feels that the open space should be designed as an integral part of the design and should open the space between "fractures" of the buildings. The Board requested clustering of residential units and connected spaces and courtyards that could step up the slope. The Board wants the courtyard community to be built using architectural forms to support it. The preferred design scheme as presented does not support the courtyard concept, so the design or concept should be reconsidered.

**A-8 Parking and Vehicle Access**

*Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.*

The Board liked the minimum access impacts on the site and the design should continue to develop access only off of 11<sup>th</sup>.

**B Height, Bulk and Scale**

**B-1 Height, Bulk and Scale**

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones.*

The Board agreed that successfully addressing height, bulk and scale issues at this site is key to creating a successful building. The Board requested further exploration of massing options that minimize the building mass and reinforce the designers goal of terracing to the west and/or southwest. The Board would like to see the terracing expression on the façade at East Howell Street.

**C Architectural Elements and Materials**

**C-2 Architectural Concept and Consistency**

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

The Board thinks that the courtyard concept should express the unit entrances off of Howell and would like to see this developed further. There may be two different responses to the street, Howell versus 11<sup>th</sup> Avenue. The Courtyard concept needs to be further explored and presented at the next meeting. The architect should vary the volumes and character, consolidate the forms, and reserve space for private open space.

**C-3 Human Scale**

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

The Board asked for more detail to show how the project will meet this guideline through architectural spaces and circulation systems.

**C-4 Exterior Finish Materials**

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

The Board requested that the project should use high-quality and durable materials for a sense of permanence, ease of maintenance and as a positive addition to the neighborhood.

**D Pedestrian Environment**

**D-1 Pedestrian Open Spaces and Entrances**

*Convenient and attractive access to the building's entry should be provided.*

Entries along Howell should be convenient and should be recognizable as residential entries. Open spaces or setbacks could be shared at entries.

### **D-3 Retaining Walls**

***Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.***

If the parking garage walls are visible from the street they should have creative and maintainable surface treatments.

### **D-5 Visual Impacts of Parking Structures**

***The visibility of all at-grade parking structures or accessory parking garages should be minimized.***

The architect should consider day lighting the parking structure to allow natural light in. For instance, glass block or prism blocks could help achieve this guideline.

### **D-7 Pedestrian Safety**

***Project design should consider opportunities for enhancing personal safety and security in the environment under review.***

The designer should integrate safety and security with the building and open space design. The security elements should not be visible as such, but integrated into the overall design concept.

## **E Landscaping**

### **E-2 Landscaping to Enhance the Building and/or site**

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

### **E-3 Landscape Design to Address Special Site Conditions**

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions.

Landscaped private and public spaces and open spaces should be used to soften facades. The designer should bring landscape design concepts to the next meeting.

## **MASTER USE PERMIT**

The applicant applied for the Master Use Permit August 26, 2003.

## **RECOMMENDATION MEETING:**

The recommendation meeting convened November 19, 2003 with introductions of the Board. The architect reviewed a site analysis, opportunities and constraints of the subject property and views of surrounding development. He described current street conditions and limitations. The architect covered the early design guidance meeting notes selected at the July 2, 2003 meeting. The units will have different configurations and open space opportunities. The architect outlined methods for terracing the units, transitions between residence and street and parking solutions. Ten (10) units are allowed by the zoning code, nine (9) units are proposed.

### **Board Clarifying Comments**

The Board asked a few questions of the architect on retaining wall heights, materials and siding treatments. The Board asked about interior allees and rear setbacks, windows on Howell, access to allees and open space on grade.

### Public Comments

13 members of the public were present at the meeting. Comments are as follows:

The project is good. I like the interesting space and materials. I like the small spaces.

I like the project and the modern style. I like the parking underground and like that the project addresses all corners of the building. I like the interesting open spaces.

The allees may need to be lockable in this neighborhood for increased safety. Retaining walls may be tagged with graffiti. Alcoves in walls are not good due to possible drug drop off and pick up.

I like the form and overall design. Could the rooftops become green rooftops for water recharge and not quick conduits to the storm sewer system? The spaces and volumes are good. The underground parking is good.

The bridges may be too solid. The blankness of the south elevation is not an ideal situation and the whole project could use more landscaping.

I like the separated car and pedestrian. I like using the city park across the street as a focal point and like the scale “push” of this project. I like the varied façade scale on Howell.

I would like more public amenity treatment on Howell. This is good density and although density can be ugly, this project is handsome and creates community. I would like to see a rich and full landscape treatment.

Please limit the number of materials used so the façade is not cluttered.

### Departures

The applicant is requesting the following departures from land use development standards (apartments).

<b>Development Standard</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Comments</b>	<b>Action by Board</b>
SMC 23.45.010 Lot coverage	3,840 SF	4,752sf	920 sf difference, increases unit variety B1, C2	Recommend approval
SMC 23.45.011 Structure depth	83 feet	100.5	17 extra depth B1, C2, A1	Recommend approval
SMC 23.45.012 modulation	4 feet	2 feet	2 feet less, C2	Recommend approval
SMC 23.45.014 Setbacks	Front 11 Rear 19 Side 12 average Interior av. 15 Projections into setbacks	Front 8 Rear 18 Side 5 average Interior av 10 Projections into setbacks	C2 concept of terracing and allees. Elevated walkways create need for diff projection	Recommend approval

SMC 23.45.015 Landscape screening	3 foot landscaping	4 foot retaining wall, then landscaping	D1 open space, E2, E3.	Recommend approval
SMC 23.45.016 Open Space	Total 2,700 Min dimensions 10 feet	2,685 Min dimensions Less than 10	C2	Recommend approval

Board Recommendation:

After considering the proposed design and the project context, hearing public comment, and reconsidering the previously stated design priorities, the five (5) Design Review Board members felt that all of the guidance they had given in their previous meetings had been successfully addressed by the applicant. In addition, all 5 of the board members in attendance supported the Departures. The Design Review Board recommended **conditional approval** of the design with changes described below.

The Board recommended that the architect provide security access at the allees and provided a better relationship of building to the sidewalk on Howell. These considerations will be a condition of the recommendation and included in the DPD decision as a condition and compliance of this condition will be reviewed by the DPD staff member.

**ANALYSIS AND DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that they are consistent with the City of Seattle Design Review *Guidelines for Multifamily & Commercial Buildings*.

The Board recommended that the project should provide more visual access to Howell and should provide secure allees within the development. This recommendation was unanimous by the 5 Board members at the final public Design Review meeting. Their recommendation was based upon the priority guidelines identified by the Board at the first Early Design Guidance meeting. The applicant has added a larger stairway to the Howell façade, gated allees, and more windows on the Howell façade in an updated MUP plan set dated October 8, 2004.

Therefore, the Director determines that the project has satisfactorily responded to the early design guidance. The Director **approves** the proposed project and grants the requested departures.

**ANALYSIS – SEPA**

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated August 22, 2003 and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC25.05.665) mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

### Short-term Impacts

#### Construction Impacts

The following temporary or construction-related impacts are expected: minor decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise, and consumption of renewable and non-renewable resources. Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and includes regulations for maintaining circulation in the public right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment. Most of these impacts are minor in scope and are not expected to have significant adverse impacts (SMC 25.05. 794).

Construction is expected to temporarily add particulate to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

#### Noise

Surrounding residential uses are likely to be slightly impacted by noise throughout the duration of construction. Due to the proximity of residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), additional mitigation is warranted.



To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by the DPD planner prior to each occurrence.

Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on residents living in the vicinity of the construction. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts.

DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels may be conducted by DPD.

#### Long-term Impacts

Long-term or use-related impacts are not anticipated as a result of approval of this proposal including: increased bulk and scale on the site; noise, traffic or parking in the area; demand for public services and utilities; and light and glare.

#### Height, Bulk and Scale

Section 25.05.675G2c of the Seattle SEPA Ordinance provides the following: “The Citywide Design Guidelines (and any council-approved, neighborhood design guidelines) are intended to mitigate the same adverse height, bulk, and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk, and scale policies on projects that have undergone Design Review shall comply with design guidelines applicable to the project.”

There are no sensitive height, bulk or scale impact issues which have not been addressed during the Design Review process in the design of this residential project in a Lowrise 3 zone. (L3). Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tight line release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of adverse impacts and no further conditioning is warranted by SEPA policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

### **CONDITIONS – Design Review**

#### **Non-Appealable Conditions**

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Holly Godard 206-615-1254). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Holly Godard 206-615-1254), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings and embed the colored MUP recommendation drawings in the building permit plan sets.

**CONDITIONS - SEPA**

*During Construction*

The owner(s) and/or responsible party(s) shall:

1. To reduce the noise impact of construction on nearby properties, construction activities shall generally be limited to non-holiday weekdays between 7:30 A.M. and 6:00 P.M. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M. and Sundays from 10:00 A.M. to 6:00 P.M. Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by the DPD planner prior to each occurrence. Construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance.

Signature: (signature on file) Date: December 23, 2004  
Holly J. Godard, Land Use Planner